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TAGS: [KJUS](#) [PHUM](#) [PGOV](#) [SOCI](#) [IZ](#)
SUBJECT: A STEP FORWARD ON HUMAN RIGHTS: MOD TRANSFERRING
PRISONERS TO MOJ

REF: A. BAGHDAD 1699
[1](#)B. BAGHDAD 1786

Classified By: Deputy Political Counselor Steve Walker for Reason 1.4 (d).

[1](#)1. (C) In response to a recent prison abuse scandal (ref A), the Iraqi Ministry of Defense (MOD) has ordered its operational commands to transfer detainees to the Ministry of Justice (MOJ) to bring the Iraqi Army in compliance with CPA Order number 10. CPA Order 10 vests full authority and control over all detention and prison facilities in the MOJ. On June 17, Iraqi Minister of Defense Abdul Qader Mohammed Jassim sent a memorandum to the entire MOD stating that "all prisons and detention facilities existing in your locations and in your units should be exclusively reserved for military detainees who are under disciplinary punishment. We also order not to detain individuals who are involved in terrorist acts or are intelligence targets or have more than 24 hours in detention from the time of issuance of the arrest warrant; our previous orders emphasize referring the above detainees to the concerned authorities within the time frame mentioned above." On June 27, Lieutenant General Salih Sarhan, the MOD Secretary General, sent an additional memorandum to the operational commands of the Iraqi Army instructing them to comply as well, emphasizing that the Baghdad Operations Command (BOC) must transfer detainees under its custody to the Iraqi Correctional Services along with their investigation papers in order to complete their legal procedures.

[1](#)2. (C) The MOD holds an estimated 2,000 detainees in various detention facilities throughout Iraq with the majority located in the Ninewah Operations Command (NOC). Since June 23, the BOC, which contains nine MOI and MOD detention facilities, has reduced its detainee population from 1159 to [1](#)540. A significant number of those detainees were transferred directly from BOC detention facilities to the MOJ-controlled Rusafa Prison Complex. Notwithstanding the mandate of CPA 10, the GOI has not provided the MOJ with additional detention facilities, personnel, or equipment needed to assume custody and control over these additional detainees. As a result, the MOJ Rusafa Prison Complex is now populated with detainees over its rated capacity.

Comment

[1](#)3. (C) The GOI decision to transfer responsibility for prisoners from the MOD to the MOJ represents a positive step forward for the rule of law in Iraq and one that the Embassy had lobbied for strongly (ref B). As reported in reftel B, many inmates in MOD detention facilities had been languishing for months in overcrowded facilities that lacked ventilation and sanitation with little due process or access to the judicial system. Getting the MOD out of the prison business will greatly reduce the potential for future human rights abuses within this Ministry. We will continue to encourage

the GOI to ensure that the MOJ is properly resourced so that the problem of overcrowding and lack of judicial process is not simply transferred from one ministry to another. End comment.

HILL